

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 19-6168

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DEANTE DRAKE, a/k/a Panama, a/k/a Shawn, a/k/a Papa Bear,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia,
at Clarksburg. Irene M. Keeley, Senior District Judge. (1:07-cr-00053-IMK-MJA-1)

Submitted: May 29, 2019

Decided: June 14, 2019

Before KING and HARRIS, Circuit Judges, and SHEDD, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Deante Drake, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

On January 29, 2019, Deante Drake filed a notice of appeal from his May 13, 2008, criminal judgment. Drake previously appealed from his 2008 judgment, *see United States v. Drake*, 318 F. App'x 247 (4th Cir. 2009) (No. 08-4589), and this court is without jurisdiction to entertain a second appeal from the same judgment. In addition, Drake filed his notice of appeal more than 10 years after expiration of the appeal period *see* Fed. R. App. P. 4(b)(1), and he has already pursued collateral relief from the criminal judgment. *See United States v. Oliver*, 878 F.3d 120, 122 (4th Cir. 2017) (allowing sua sponte dismissal of untimely appeal where defendant previously sought collateral relief from judgment on appeal) .

Accordingly, we dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED